

# Respect in the Workplace Policy

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## 1. Purpose

Activ is committed to ensuring that all employees and volunteers work in an environment where people are treated with equality, respect and courtesy. It is important for a productive and harmonious workplace that everyone who works or volunteers for Activ is aware of the impact that their behaviour may have on others.

It is essential that everyone feels secure and valued in an environment that enables them to achieve their highest levels of performance, personal job satisfaction and fulfilment.

Bullying, harassment, sexual harassment, victimisation and discrimination in the workplace is inappropriate, unacceptable behaviour and will not be tolerated. This includes any action that is considered by a “reasonable person” to be offensive, humiliating or intimidating.

Any person who works or volunteers for Activ and breaches this policy may be subject to disciplinary action, which may include the termination of employment.

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## 2. Scope

This policy applies to anyone who works or volunteers for Activ and to inappropriate behaviours that may occur in the course of employment, whether or not such behaviours occur on company property or during work hours, such as:

- on company premises, including on site residence facilities;
- at work related social functions;
- in the course of work assignments at or outside of company premises;
- at work related conferences or training sessions;
- during work related travel; and
- in digital forums such as social media and texts.

## 3. Diversity

Activ values diversity and promotes a work place that actively seeks to include, welcome and value unique contributions of all people. Activ respects and recognises individual differences, such as backgrounds, skills, talents, as well as characteristics that are protected under EEO.

Active aims create a diverse workforce by providing meaningful and appropriate employment opportunities to individuals from diverse backgrounds and experiences.

Recruitment and selection practices will actively seek to create diversity within teams, while ensuring that employment decisions are made on the basis of merit and are free from discriminatory factors.

## 4. Equity

Equity is ensuring that everyone is treated in a fair manner, according to their individual needs and circumstances in the workplace and includes the concept of equal employment opportunity (EEO). Equity is about creating a workplace where employees are recruited, promoted and treated on the basis of their individual knowledge, skills and abilities.

Discrimination occurs when a person, or group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.

It is unlawful to discriminate against a person on the grounds of:

- age;
- breastfeeding or bottle feeding;
- family responsibility;
- family status;
- gender history;
- impairment – having a current, past or assumed physical, intellectual or mental disability;

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- marital status;
- political conviction;
- pregnancy;
- race;
- racial harassment;
- religious conviction;
- gender;
- sexual harassment; and/or
- sexual orientation.

## 4.1 Direct Discrimination

Direct discrimination occurs when somebody is treated unfavourably because of a protected attribute. For example, an employee is not offered a development opportunity because of pregnancy/potential pregnancy; or, an employer will not support relevant tertiary studies because they think the person is too old.

## 4.2 Indirect Discrimination

This is when a rule, policy, program or practice appears to treat everyone equally but has an adverse impact by treating a particular group or individual unequally or less favourably. For example, the requirement to work full time hours that involve working well into the evening, indirectly discriminates against employees with child caring responsibilities.

Activ is opposed to all forms of discrimination. All job applicants and anyone who works or volunteers for Activ will be treated fairly.

## 5. Victimisation

Victimisation, is against the law and means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or is proposing to lodge, a complaint of discrimination or harassment;
- provided information or documents to an internal investigation or an external agency;
- attended a conciliation conference;
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws; and/or
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

Example: An employee alleged that a client had sexually harassed her by making sexual comments while she performed her duties. The employee is offered less shifts after she made a complaint about the alleged sexual harassment.

## 6. Harassment

Harassment is defined as any action, conduct or behaviour that a reasonable person would find unwelcome, humiliating, intimidating or offensive.

Harassment occurs when someone is intimidated, hurt, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, sexual preference, or some other characteristic specified under anti-discrimination or human rights legislation. The behaviour is unwelcome, unsolicited, usually unreciprocated and often repeated. Harassment may occur unintentionally, but may still constitute inappropriate behaviour due to how that behaviour is perceived.

### 6.1 Behaviours That Constitute Harassment

- Racist or sexist jokes causing embarrassment or offence;
- display of sexually or racially offensive/graphic material;
- racially or sexually degrading words used to describe a person;
- sexually orientated emails;
- derogatory or degrading remarks directed toward a person or members of a group;
- threats, taunting or coercion;
- ostracising;
- actual or threatened physical assault;
- intimidating behaviour towards another employee;
- direct threats;
- verbal assault;
- vulgar language;
- malicious gestures or actions; and/or
- abuse or improper use of power and authority.

### 6.2 Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that a reasonable person anticipates could make the recipient feel offended, humiliated and/or intimidated.

Conduct is deemed unwelcome if it is not solicited or invited and is regarded by the target as undesirable or offensive. It is irrelevant that the conduct in question may not have been offensive to others or has been an accepted feature of the workplace in the past.

Sexual harassment can take various forms. It can involve physical contact, verbal remarks or other behaviour of a sexual nature. Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. If interactions are consensual, welcome and reciprocated, this is not sexual harassment. However, participation obtained by coercion or positional power is not consent.

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Examples of sexual harassment include, but is not limited to:

- unwelcome touching, hugging or kissing
- staring or leering;
- sexually suggestive comments or jokes;
- sexually explicit pictures, screen savers or posters;
- unwanted invitations to go out on dates or requests for sex;
- intrusive questions about an employee's private life or body;
- unnecessary familiarity;
- insults or taunts based on sex;
- sexually explicit emails or text messages; suggestive or sexually explicit comments or references on social media networks;
- accessing sexually explicit internet sites; and/or
- making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made verbally or in writing.

Sexual harassment does not apply to consensual behaviour. It is aimed at unwanted and inappropriate attention.

## 7. Bullying

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace.

In relation to the concept of individuals repeatedly behaving unreasonably, there is no specific number of incidents required – as long as there was more than one occurrence of unreasonable behaviour. The same specific behaviour does not have to be repeated; there could be a range of behaviours over time.

Examples of bullying include, but are not limited to:

- behaving aggressively;
- teasing or practical jokes;
- pressuring someone to behave inappropriately;
- excluding someone from work-related events;
- unreasonable work demands;
- deliberately changing work rosters to inconvenience particular staff members; and/or
- deliberately withholding information that is vital for effective work performance.

The behaviour may be physical or psychological.

## 7.1 Types of bullying

Workplace bullying can take two forms; overt bullying, which involves verbal abuse and physical violence or covert bullying, which can be more subtle and involve things such as embarrassing or degrading work demands.

### Overt Bullying

Examples of overt bullying include but are not limited to:

- abusive, insulting or offensive language;
- behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming;
- inappropriate comments about a person's appearance, lifestyle or family;
- teasing or regularly making someone the brunt of pranks or practical jokes;
- interfering with a person's personal effects or work equipment; and/or
- unjustified threats of dismissal or other disciplinary action.

### Covert Bullying

Examples of covert bullying include but are not limited to:

- acts of sabotaging an employee's work by withholding information required to fulfil tasks;
- hiding documents or equipment;
- constantly changing targets or work guidelines;
- overloading an employee with work and impossible deadlines;
- not providing appropriate resources and training; and/or
- isolating or ignoring an employee on a constant basis.

As well as the safety and health implications, bullying behaviours in the workplace may contravene antidiscrimination legislation or may amount to criminal conduct.

Activ will take all reasonable steps to ensure that all who work and volunteer for the organisation are able to work in an environment free from all forms of bullying.

All who work or volunteer for Activ have the responsibility to ensure their behaviour in the workplace is respectful of the rights of others

## 7.2 Bullying vs Reasonable Management Action

Behaviour is not considered bullying if it is a management action carried out in a reasonable manner.

This qualification is comprised of three elements:

- the behaviour must be management action;
- it must be reasonable for the management action to be taken; and
- the management action must be carried out in a manner that is reasonable.

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The following are some examples of what may constitute reasonable management action:

- performance appraisals;
- ongoing meetings to address underperformance;
- counselling or disciplining a worker for misconduct;
- modifying an employee's duties including by transferring or re-deploying the employee;
- investigating alleged misconduct;
- denying a worker a benefit in relation to their employment; and/or
- refusing an employee permission to return to work due to a medical condition.

### **7.3 Difference between bullying and discrimination:**

Discrimination happens when there's 'adverse action', such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

## **8. Criminal Offences**

Some forms of bullying, harassment, victimisation and discrimination will also constitute a criminal offence such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

## **9. Responsibilities**

All employees have a legal responsibility to care for their own health and safety and that of co-workers, and therefore, must not engage in acts, which constitute bullying, discrimination, harassment or victimising behaviour.

In addition, employees are required to follow instructions given by their supervisor/manager relating to prevention of workplace injuries and illnesses. This applies to measures to prevent unacceptable behaviour which includes monitoring the work environment to ensure acceptable standards of conduct are observed at all times.

### **9.1 Individuals**

All employees are responsible for promoting this policy by ensuring:

- they treat other employees with respect and courtesy;
- they comply with Activ's Respect in the Workplace policy;
- incidences of breaches of the Respect in the Workplace policy are reported to the appropriate supervisor or manager;

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- they fully participate in any investigation into an incident of a breach of the Respect in the Workplace policy and maintain confidentiality;
- they make others aware if an employee's behaviour is making them uncomfortable; and
- they speak up if they observe inappropriate behaviour.

## 9.2 Management

Managers and Supervisors are responsible for promoting this policy by ensuring:

- they consistently model appropriate behaviours;
- comply with, and develop an awareness and familiarity with this policy; and
- monitor the work environment to ensure that acceptable standards of conduct are observed; and
- treat all complaints seriously and confidentially and take immediate action to assist an Employee by referring the Employee to the relevant policy documents.

## 10. Confidentiality

Activ acknowledges and is sensitive to the effects of discrimination, victimisation, harassment and bullying on both the person subjected to such behaviour and those accused of such conduct. To protect the interests of all parties, confidentiality will be maintained throughout the investigation process to the extent practicable.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be regarded as confidential, except where disclosure is required by a disciplinary or other remedial process.

Witnesses may be asked to provide input into the investigation. Witnesses who are required to participate in investigations have the right to expect that their comments will be kept confidential, except where disclosure is required by a disciplinary or other remedial process.

## 11. Key Related Policies and Documents

Activ Code of Ethics and Conduct - AQuA 1867

Employee Performance Management Policy and Procedure - AQuA 296

Management of Staff Underperformance Policy and Procedure - AQuA 2101

Recruitment and Selection Policy and Procedure - AQuA 528